

Notice of Allowability

Application No.

10/809,641

Applicant(s)

DALTON ET AL.

Examiner

Andrew Wendell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/19/2007.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Sundheim on 11/5/2007.

The application has been amended as follows:

Regarding claim 16, lines 1-4, remove "A computer program product for communication between a plurality of mobile devices, said computer program product being stored by a tangible medium, said computer program product comprising:".

Insert -- A tangible medium storing a computer program product for communication between a plurality of mobile devices, said tangible medium comprising: --.

Regarding claim 17, lines 1-2, remove "The computer program product" and insert -- The tangible medium --.

Regarding claim 18, line 1, remove "The computer program product" and insert -- The tangible medium --.

Regarding claim 19, line 1, remove "The computer program product" and insert -- The tangible medium --.

Regarding claim 20, line 1, remove "The computer program product" and insert --
The tangible medium --.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: Regarding claim 1, Tsutsumi et al. (US Pat# 2003/0078034) teaches a data concentrator computer 34 (Fig. 6); a gateway device 32 (Fig. 5) for communicating with the data concentrator computer 34 (Fig. 5); a first mobile data acquisition device 14 (Fig. 6) communicating with the gateway device 32 (Fig. 6); and a second mobile data acquisition device 12 (Fig. 6) communicating with the gateway device 32 (Fig. 6), the gateway device 32 (Fig. 6) allowing direct communication between the first 14 (Fig. 6) and second 12 (Fig. 6) mobile data acquisition devices without communication with the data concentrator computer 34 (Fig. 6). Tsutsumi fails to teach a mobile gateway device separate from the data concentrator computer and a broadcast message from the gateway to first and second mobile devices.

Dorenbosch et al. (US Pat# 2003/0235184) teaches a gateway device 120 (Fig. 1), separate and distinct from the data concentrator computer 130 (Fig. 1), for communicating with the data concentrator computer and a broadcast message 414 and 416 (Fig. 4) from the gateway device 120 (Fig. 1) to the first 112 (fig. 1) and second mobile 111 or 113 or 114 (Fig. 1) data acquisition devices.

Dorenbosch and Tsutsumi fail to teach a mobile gateway device.

Fishman et al. (US Pat Pub# 2002/01039535) teaches a mobile gateway device 250 (Fig. 2), separate and distinct from a data concentrator computer 210 (Fig. 2), for communicating with the data concentrator computer.

Even though all limitations are taught by Tsutsumi in view of Dorenbosch and further in view of Fishman, as applicant has pointed out in an appeal filed 9/19/2007 the motivation to combine the references together would not be obvious to combine. Plus, the examiner agrees with applicant that it would have not been obvious to one skilled in the art to combine Tsutsumi, Dorenbosch, and Fishman.

The prior art of record fails to teach the claimed subject matter as claimed and substantially connected in claims 1-10.

Regarding claim 11, Tsutsumi teaches a data concentrator computer 34 (Fig. 5); a mailbox 32 (Fig. 5) for communicating with the data concentrator computer 34 (Fig. 5); a first mobile data 14 (Fig. 6) acquisition device communicating with the mailbox 32 (Fig. 6); and a second mobile data acquisition device 12 (Fig. 6) communicating with the mailbox 32 (Fig. 6), the mailbox 32 (Fig. 6) allowing peer to peer communication between the first 14 (Fig. 6) and second 12 (Fig. 6) mobile data acquisition devices without communication with the data concentrator computer 34 (Fig. 6). Tsutsumi fails to teach a mobile mailbox device separate from the data concentrator computer and a broadcast message from the mailbox to first and second mobile devices.

Dorenbosch teaches a mailbox device 120 (Fig. 1), separate and distinct from the data concentrator computer 130 (Fig. 1), for communicating with the data concentrator computer and a broadcast message 414 and 416 (Fig. 4) from the

mailbox device 120 (Fig. 1) to the first 112 (fig. 1) and second mobile 111 or 113 or 114 (Fig. 1) data acquisition devices.

Dorenbosch and Tsutsumi fail to teach a mobile mailbox device.

Fishman teaches a mobile mailbox device 250 (Fig. 2), separate and distinct from a data concentrator computer 210 (Fig. 2), for communicating with the data concentrator computer.

Again, even though all limitations are taught by Tsutsumi in view of Dorenbosch and further in view of Fishman, as applicant has pointed out in an appeal filed 9/19/2007 the motivation to combine the references together would not be obvious to combine. Plus, the examiner agrees with applicant that it would have not been obvious to one skilled in the art to combine Tsutsumi, Dorenbosch, and Fishman.

The prior art of record fails to teach the claimed subject matter as claimed and substantially connected in claims 11-15.

Regarding claim 16, Tsutsumi teaches a first instruction for activating a first mobile device S1 (Fig. 5); a second instruction for requesting a roll call from a gateway device by the first mobile device S2-S3 (Fig. 5); a third instruction for broadcasting a please identify message to a second mobile device S4 (Fig. 5); and a fourth instruction for providing peer to peer communication between the first mobile device 14 (Fig. 6) and the second devices 12 (Fig. 6). Tsutsumi fails to teach a third mobile device, a mobile mailbox device, and a broadcast message from the mailbox to first and second mobile devices.

Dorenbosch teaches providing peer to peer communication between the first mobile device 111 (Fig. 1) and the second 112 (Fig. 1) and third mobile 113 (Fig. 1) devices through broadcast message 414 and 416 (Fig. 4) from a mailbox device 120 (Fig. 1) to the first 112 (fig. 1) and second mobile 111 or 113 or 114 (Fig. 1) data devices.

Dorenbosch and Tsutsumi fail to teach a mobile mailbox device.

Fishman teaches a mobile mailbox device 250 (Fig. 2).

Again, even though all limitations are taught by Tsutsumi in view of Dorenbosch and further in view of Fishman, as applicant has pointed out in an appeal filed 9/19/2007 the motivation to combine the references together would not be obvious to combine. Plus, the examiner agrees with applicant that it would have not been obvious to one skilled in the art to combine Tsutsumi, Dorenbosch, and Fishman.

The prior art of record fails to teach the claimed subject matter as claimed and substantially connected in claims 16-20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Niwa discloses a radio data communication technique for maintaining a connection between a mobile radio transmission device and a server

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during a communication interruption. Dalton discloses a system for integrated mobile devices. Tourrihes discloses a communication mode management system in a wireless communication environment. Day discloses a method and apparatus for controlling data provided to a mobile device. Sinivaara discloses a selection of access point in a wireless communication system. Linden discloses a method for utilizing local resources in a communication system. l'Anson discloses an image transfer over mobile radio network. Peng discloses an apparatus and methods for intelligently providing applications and data on a mobile device system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Wendell
Examiner
Art Unit 2618

11/6/2007

 11/13/07

QUOCHIEN B. VUONG
PRIMARY EXAMINER